Attorney's Docket No.: 50277-1767





DECLARATION FOR PATENT APPLICATION

As a below named inventor(s), I hereby declare that:

My residence, mailing a	ddress and citizenship	are as stated below, next to my	name.	
I believe I am the origination in the plural nation is sought on the	ames are listed below)	tor (if only one name is listed bel of the subject matter which is cl	ow) or an o aimed and	original, first, and for which a
	*CATEGORIES	ON A PER INSTANCE BASIS"		
the specification of whic	ch .			
	is attached hereto.			
 .	was filed on Decer	mher 28, 2001		as
		ation Number 10/040,500		
		Application Number		
	and was amended or			 ·
•	•	(if applicable)		in et fan gên in 'n gan.
		stand the contents of the above- mendment referred to above.	identified s	pecification,
I acknowledge the duty	to disclose all informs	How known to me to be meterial	to patentab	ility as defined i
Title 37, Code of Feder	al Regulations, Section	ation known to me to be material n 1.56 (copy attached).		
Title 37, Code of Feder I hereby claim foreign p foreign application(s) for	al Regulations, Section priority benefits under lor patent or inventor's content or inventor's content or inventor's cer	n 1.58 (copy attached). Title 35, United States Code, Secretificate listed below and have tificate having a filing date before	ction 119(a) also identifi	-(d), on any led below any
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Oracle Matter No. OID 2001-126-01

2/1/02

I hereby claim benefit under Titl 35, United States Code, Section 120 f any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the pri r United States application in the manner provided by the first paragraph f Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as d fined in Title 37, Code of Federal Regulations, Section 1.56 (copy attached) which became available between the filing date of the prior application and the national or PCT International filing date of this application:

09/853,823	May 11, 2001	Pending
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor (given name, family name) David J. Long	<u> </u>
Inventor's Signature Date	2/21/02
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Full Name of Second Inventor (given name, family name) David B. Pitfie	ld
Inventor's Signature Date	2/21/2002
Residence San Jose, California	Citizenship Canada
(City, State)	(Country)
Mailing Address 1317 Dale Avenue. San Jose, California 95125	

Title 37, Code of Federal Regulations, Section 1.56

<u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorn y, agent, or inv intor.